

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

EDWARD LEWIS STANLEY,)
)
Plaintiff,)
)
v.) CV 623-018
)
SECURUS TECHNOLOGIES, LLC, et al.,)
)
Defendants.)

O R D E R

The Court amends its March 22, 2023, Order granting the motion for leave to amend as follows, including the deadline for DataOnline Corp. to respond to the amended complaint. (See doc. no. 20.)

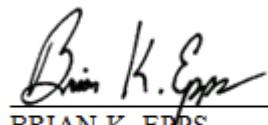
Plaintiff and Defendants Independent Technologies, LLC d/b/a Wintel Phones and DataOnline, LLC d/b/a Anova jointly move to allow amendment of the complaint to correct the name of Defendant Independent Technologies to “Independent Technologies, LLC d/b/a Wintel, A Division of Independent Technologies, LLC” and substitute DataOnline Corp. d/b/a Anova for Defendant DataOnline, LLC d/b/a Anova. (Doc. no. 14.)

As a general rule, leave to amend under Fed. R. Civ. P. 15(a) is given freely. Foman v. Davis, 371 U.S. 178, 182 (1962); Wedemeyer v. Pneudraulics, Inc., 510 F. App’x 875, 878 (11th Cir. 2013) (*per curiam*). That said, leave to amend is not guaranteed, and a trial court may deny such leave “in the exercise of its inherent power to manage the conduct of litigation before it.” Reese v. Herbert, 527 F.3d 1253, 1263 (11th Cir. 2008). “In making this

determination, a court should consider whether there has been undue delay in filing, bad faith or dilatory motives, prejudice to the opposing parties, and the futility of the amendment.” Saewitz v. Lexington Ins. Co., 133 F. App’x 695, 699 (11th Cir. 2005) (*per curiam*) (quoting Foman, 371 U.S. at 182). In the Eleventh Circuit, a proposed amendment is futile when the allegations of the proffered complaint would be unable to withstand a motion to dismiss. Cockrell v. Sparks, 510 F.3d 1307, 1310 (11th Cir. 2007).

Here, the Court finds no reason to deny the request to amend. The parties move jointly, no other Defendant has filed opposition, and there is no evidence any party has acted in bad faith or the amendments would be futile or subject any party to unfair prejudice. Accordingly, the Court **GRANTS** the motion. (Doc. no. 14.) Plaintiff shall have seven days from the date of this Order to file an amended complaint as a stand-alone entry on the docket. Upon the filing of the amended complaint, the Clerk shall update the parties and names on the docket as indicated by the new caption. DataOnline Corp.’s response to the amended complaint shall be filed not later than thirty days from the entry of this order.

SO ORDERED this 22nd day of March, 2023, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA